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REMARKS

Claims 1-39 were originally presented in the subject application. In response to a restriction requirement, Applicant provisionally elected claims 1-14, 19-27 and 29-37 for prosecution, in a response dated January 13, 2006. Claims 1, 19 and 29 have hereinabove been amended to more particularly point out and distinctly claim the subject invention. No claims have herein been added or canceled. Therefore, claims 1-39 remain in this case, with claims 1-14, 19-27 and 29-37 being substantively examined.

The addition of new matter has been scrupulously avoided. In that regard, support for the common amendment to claims 1, 19 and 29 can be found throughout the specification, for example, numbered paragraph 0021.

Applicant respectfully requests reconsideration and withdrawal of the various grounds of rejection.

35 U.S.C. §112 Rejection

The Office Action rejected claims 14, 27 and 37 under 35 U.S.C. §112, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant respectfully, but most strenuously, traverses this rejection.

More specifically, the Office Action alleged that the noted claims are vague and indefinite, in that “replacing one or more calculations” in claim 14, for example, contradicts the “spreadsheet [being] unchangeable by a user” in claim 1.

However, Applicant respectfully points out that claim 14 does not require that the user do the replacing, as alleged in the Office Action. Moreover, claim 1 recites a method of development of programs. Thus, for example, as set forth in the specification at numbered paragraph 0051, a programmer could do the replacing.

Therefore, Applicant submits that claim 14 does not contradict claim 1, and that claim 14 is not indefinite.

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35 U.S.C. §101 Rejection

Claims 1-14, 19-27 and 29-37 were rejected as directed to non-statutory subject matter. Applicant respectfully, but most strenuously, traverses this rejection as it applies to the amended claims.

More specifically, the Office Action alleged that the claims fail to provide a useful, concrete, tangible result, and that there is no "transformation" of data. As amended, independent claims 1, 19 and 29 recite executing logic of the spreadsheet in response to data of the interface to produce output. Thus, Applicant submits there is input from the interface, execution of spreadsheet logic in response to the data, and output (i.e., data, a transformation of data, and a useful, concrete tangible result).

Therefore, Applicant submits that the claims are directed to statutory subject matter.

35 U.S.C. §103 Rejection

The Office Action rejected claims 1-14, 19-27 and 29-37 under 35 U.S.C. §103(a), as allegedly obvious over Becerra, JR. (U.S. Application Publication No. 2003/0169295) in view of Devine et al. (U.S. Application Publication No. 2002/0095399). Applicant respectfully, but most strenuously, traverses this rejection.

As an initial matter, Applicants submit that both Becerra and Devine are improperly applied against the present application as non-analogous art. It is well settled that each reference must be evaluated individually to determine whether it is non-analogous art.

The determination that a reference is nonanalogous art involves two steps. *Heidelberger Druckmaschinen AG v. Hantscho Commercial Products Inc.*, 30 U.S.P.Q.2d 1377, 1379 (Fed. Cir. 1994); *In re Wood*, 599 F.2d 1032, 202 U.S.P.Q. 171, 174 (CCPA 1979). First, the reference is reviewed as to whether it is within the field of the Applicants' endeavor. *Id.* Second, if the reference is not in the field of endeavor, then a determination is made as to whether the reference is reasonably pertinent to the particular problem the inventor sought to solve. *Id.*

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In determining what the field of endeavor is, courts have looked to the field of endeavor set out in a patent or patent application. See, e.g., *In re Wood and Eversole*, 202 U.S.P.Q. 171 (CCPA 1979).

The field of endeavor is set out in the present application at numbered paragraph 0001 as computer programming in general, and in particular, to facilitating the development of computer programs. In contrast, Becerra is directed to “the field of computer graphics and, more particularly, to a method and system for creating custom computer graphic representations of input and output data.” See Becerra at numbered paragraph 0003. In fact, the main embodiment of Becerra involves creating animations of spreadsheet data that run on a Flash player. Thus, Applicant submits that Becerra is not within the field of Applicant’s endeavor.

Moving on to the second step of the non-analogous art test, it must be determined whether Becerra is reasonably pertinent to the problem the present invention seeks to solve. As set forth in the present application in the Background of the Invention, the problem is set out as the need to utilize the functionality of a spreadsheet within a program without coding a separate program to capture the logic. Applicant submits that Becerra is not reasonably pertinent to this problem, since Becerra imports the data, the mathematical operations and the output from a spreadsheet for the simulation. See Becerra at, for example, numbered paragraph 0011. The Office Action appears to agree – see page 5, last paragraph regarding claim 1. Thus, the simulation does not include spreadsheet functionality in the sense that it can be applied to new data, and is truly just a simulation of previously chosen data and output.

Therefore, Applicant submits that Becerra is improperly cited against the present application as non-analogous art.

Applying the non-analogous art test to Devine, Devine is directed to “automatic data retrieval, analysis and reporting (RAR) services to interconnected desktop and mobile computer users, wherein the provision and receipt of the RAR services does not depend on

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central administration or processing.” See Devine at numbered paragraph 0002. Thus, Applicants submit that Devine is not within the field of Applicant’s endeavor.

Moving on to the second step of the non-analogous art test, it must be determined whether Devine is reasonably pertinent to the problem the present invention seeks to solve. As set forth in the present application in the Background of the Invention, the problem is set out as the need to utilize the functionality of a spreadsheet within a program without coding a separate program to capture the logic. Applicant submits that Devine is not reasonably pertinent to this problem, since Devine uses the spreadsheet itself for interfacing with the user. See Devine at, for example, numbered paragraph 0449.

Therefore, Applicant submits that Devine is also improperly cited against the present application as non-analogous art.

Even ignoring the above, Applicant submits the claims are not obviated over Becerra in view of Devine.

Amended claim 1 recites, for example, that the spreadsheet of the program is unchangeable by a user. Against this aspect of claim 1, the Office Action cites to Becerra. See the Office Action at page 5, last paragraph regarding claim 1. However, the fact is that Becerra is simply silent regarding changes to the spreadsheet, since the focus is a simulation of an existing spreadsheet function on existing data with known output. There is no prohibition in Becerra on changes to the spreadsheet. Applicant submits that if a change were made to the spreadsheet in Becerra, a new simulation could simply be made. Applicant submits that absent a teaching regarding a spreadsheet being unchangeable by a user, the noted aspect of claim 1 cannot fairly be said to be obviated by Becerra. Otherwise, Applicant submits this aspect of the present invention is essentially being ignored.

Independent claims 19 and 29 contain limitations similar to that argued above with respect to claim 1. Thus, the remarks above apply equally to those claims. Therefore, Applicant submits that claims 19 and 29 also cannot be rendered obvious over Becerra in view of Devine.

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Finally, Applicant expressly reserves the right to subsequently challenge the propriety of any claims to earlier filed applications contained in the cited art.

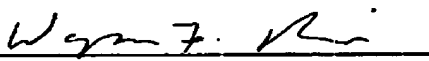
CONCLUSION

Applicant submits that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicant maintains that the claims of the subject application define patentable subject matter and earnestly requests allowance of claims 1-14, 19-27 and 29-37.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,


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